

V. REMARKS

Claims 1-8 are rejected under 35 USC 102 (b) as being anticipated by Arai et al. (U.S. Patent No. 5,800,147). The rejection is respectfully traversed.

The invention of this application forms any one of the following gas channels by forming two intake gas passages and two discharge passages is symmetrically:

1. Intake port → the first gas passage → fourth gas passage → second gas passage → discharge port;
2. Intake port → the first gas passage → second gas passage → fourth gas passage → discharge port;
3. Intake port → the third gas passage → fourth gas passage → second gas passage → discharge port;
4. Intake port → the third gas passage → second gas passage → fourth gas passage → discharge port.

In particular, Arai does not disclose the structure that the first and third gas passages are connected to the swash plate chamber that is further connected to the intake chamber, the first and third passages may be used for working fluid supply and one of the first and third gas passage is selectively connectable to the intake port.

According to Arai, only first gas passage 34 is an intake passage. The passage symmetrically arranged relative to a plane that contains a drive shaft is a discharge passage. Arai does not disclose, teach or suggest the first and third gas passages that are connected to the swash plate chamber that is further connected to the intake chamber. Thus Arai does not disclose, teach or suggest that the first gas passage or the third gas passage is selectively made to communicate with the intake port.

In other words, Arai does not disclose, teach or suggest to make a working fluid to flow from an intake port to a discharge port, according to the positions of the

intake port and discharge port, without changing any layout of gas passage bundles formed within a housing, through any selected one of the following four passages:

1. Intake port → first gas channel → fourth gas channel → second gas channel → outlet port;
2. Intake port → first gas channel → second gas channel → fourth gas channel → outlet port;
3. Intake port → third gas channel → fourth gas channel → second gas channel → outlet port;
4. Intake port → third gas channel → second gas channel → fourth gas channel → outlet port.

The Arai compressor must change the layout of passage bundles to commonly use the passages, if the positions of the intake port and discharge port are changed. Accordingly, one skilled in the art could not have modified the Arai compressor structure to arrive the claimed subject matter of the instant application.

Thus, it is respectfully submitted that the rejection is improper because the applied art fails to teach each and every element of claim 1, as amended and discussed above. Thus, it is respectfully submitted that claim 1 is allowable over the applied art.

Claims 2-8 depend from claim 1 and includes all of the features of claim 1. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 1 is allowable as well as for the features they recite.

Withdrawal of the rejection is respectfully requested.

It is respectfully submitted that the pending claims are believed to be in condition for allowance over the prior art of record. Therefore, this Amendment is believed to be a complete response to the outstanding Office Action. Further, Applicants assert that there are also reasons other than those set forth above why

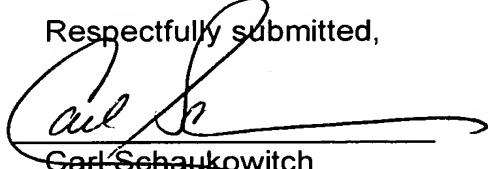
the pending claims are patentable. Applicants hereby reserve the right to set forth further arguments and remarks supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

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Enclosure(s): Amendment Transmittal

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